

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jefferie M. Atkins

Docket No. 5:14-MJ-2189-1

Petition for Action on Probation

COMES NOW Debbie W. Starling, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jefferie M. Atkins, who upon an earlier finding of guilty to Driving While Impaired, Level 2, in violation of 18 U.S.C. §13, assimilating N.C.G.S. 20-138.1; Failure to Maintain Lane, in violation of 18 U.S.C. §13, assimilating N.C.G.S. 20-146(d)(1); and Speeding in Excess of 15 Miles Over the Speed Limit, in violation of 18 U.S.C. §13, assimilating N.C.G.S. 20-141(j)(1), was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge on April 9, 2015, to a 12-month term of probation under the conditions adopted by the court. On May 20, 2015, a Violation Report was submitted to the Court advising of drug and alcohol use on April 9, 2015.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 1, 2015, the defendant submitted a urine specimen which proved positive for cocaine. When confronted with the results, the defendant acknowledged the validity of the specimen submitted. The defendant has been actively participating in substance abuse treatment and adhering to the testing schedule of the Surprise Urinalysis Program. All drug screens submitted after the initial positive and before the December 1, 2015, specimen were negative for illegal substances. Given the length of his sobriety and compliance with other conditions of supervision, it is respectfully recommended that his supervision be continued. As a punitive sanction for his drug use, it is recommended that the defendant be placed on location monitoring for a period of 30 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt

Robert K. Britt

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Debbie W. Starling

Debbie W. Starling

U.S. Probation Officer

310 Dick Street, Fayetteville, NC

Phone: 910-483-8613

Executed On: December 30, 2015

ORDER OF THE COURT

Considered and ordered this 30th day of December, 2015 and ordered filed and made a part of the records in the above case.



Kimberly A. Swank

U.S. Magistrate Judge